

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND  
BALTIMORE

IN RE:

BCN#: 09-33483 JFS

GREGG L. BATY

Chapter 11

Debtor(s)

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FEDERAL NATIONAL MORTGAGE  
ASSOCIATION  
and its assignees and/or  
successors in interest,

**MOTION FOR ORDER GRANTING  
RELIEF FROM AUTOMATIC STAY**

Movant/Secured Creditor,

v.

GREGG L. BATY

Debtor(s)

COMES NOW, FEDERAL NATIONAL MORTGAGE ASSOCIATION, its assignee and/or successors in interest, (Movant herein), by Counsel, and moves this Court for an Order Annulling the Automatic Stay, and in support thereof states as follows:

1. That the bankruptcy court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014. . This matter is a core proceeding.

2. The above named Debtor(s) filed the instant Chapter 11 Petition in Bankruptcy with this Court on December 2, 2009 subsequent to the Foreclosure auction of August 20, 2009 at 11:14 A.M.

3. Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 758 RESERVOIR ST, Baltimore,

MD 21217 and more particularly described in the Deed of Trust dated July 21, 2006 and recorded among the land records of the CITY OF BALTIMORE as:

LEGAL DESCRIPTION IS ATTACHED HERETO, MARKED AS EXHIBIT "A"  
AND MADE A PART HEREOF BY REFERENCE

(Copies of the Deed of Trust and Note are attached hereto, marked as Exhibits  
"B" and "C" and made a part hereof by reference)

4. That the subject property was sold at a public auction in execution of the deed of trust, August 20, 2009 AT 11:14 A.M. to Federal National Mortgage Association which bid the amount of \$321,000.00.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the subject Property was vested in the name of the Debtor(s), prior to said sale.

6. That subsequent to said sale, and the filing of the Debtor(s) petition herein, the sale of the subject property was ratified by order of the Circuit Court for the CITY OF BALTIMORE dated March 15, 2010, a copy of which is attached hereto, marked as Exhibit "D", and expressly made a part hereof.

7. That at the time that the order of Ratification was entered, neither the Movant nor the Trustee's under the deed of trust were aware that the Debtor(s) has filed their petition herein.

8. That based on the above, said order of Ratification is invalid as being in violation of the automatic stay of 11 U.S.C. Section 362(a).

9. That at the time of sale the Debtor(s) were in default with regard to payments which have become due under the terms of the aforementioned Note, and Deed of Trust.

10. That unless an Order Annulling Stay is entered, the State Court's ratification process will have to be conducted again or the Trustee will not be able to convey clear and marketable title, and this would result in further loss to the secured creditor.

11. That based on the above, cause exists to annul the automatic stay of 11 U.S.C. § 362 (a), pursuant to section 262(d)(1) thereof.

WHEREFORE, the Movant prays for an Order Annulling the Automatic Stay of 11 U.S.C. § 362(a) and for costs of suit, and disbursements of this contested matter, including reasonable attorneys fees, and for such other relief as the court may deem to be proper.

Dated: 04/09/2010

SHAPIRO & BURSON, LLP  
Attorneys for Movant

By: /s/ Kristine D. Brown  
William M. Savage, Esquire  
Federal I.D. Bar No. 06335  
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CERTIFICATE OF SERVICE

I certify that I have mailed true copies of the above mentioned Motion by electronic or first class mail, postage pre-paid on the 9th day of April, 2010 to the following:

GREGG L. BATY  
9202 APPLE FORD CIRCLE  
APT. 346  
OWINGS MILLS, MD 21117  
- Debtor

US TRUSTEE-BALTIMORE  
GARMATZ FEDERAL COURTHOUSE  
101 WEST LOMBARD STREET  
SUITE 2625  
BALTIMORE, MD 21201  
- Trustee

JEFFREY M. SIRODY  
SIRODY, FREIMAN & FELDMAN  
1777 REISTERSTOWN ROAD  
SUITE 360 E  
BALTIMORE, MD 21208  
- Debtor's Attorney

20 LARGEST UNSECURED CREDITORS

/s/ Kristine D. Brown  
William M. Savage, Esquire  
Kristine D. Brown, Esquire

08-130537P